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HIGH COURT OF JUDICATURE CHHATTISGARH : BILASPUR

SINGLE BENCH : HON'BLE SHRI S.R. NAYAK, CJ.

Writ Petition No. 3209 OF 2006

PETITIONERS

1. Deepak Kumar Jeevani, son of Shri Gurmukh Das Jeevani, aged about 27 years, resident of Sindhi colony, Raipur
2. Amit Kumar Jeevan, son of Shri Lakhiram Jeevan, aged about 47 years, resident of Rajiv Nagar, Raipur

Vs.

RESPONDENTS

1. Chhattisgarh Housing Board, a body corporate constituted under the relevant provisions of Chhattisgarh Greh Nirmaan Mandal Adhiniyam, 1972, Division Office No.1, Shankar Nagar, Raipur.
2. The Joint Director, Town & Country Planning Department, Raipur.
3. The Land Acquisition Officer, Raipur.
4. State of Chhattisgarh through the Secretary, Department of Town & Country Planning Department, D.K.S. Bhawan, Raipur.
5. The Tehsildar, Raipur C.G.

Present : Shri B.P. Sharma, learned counsel for the petitioner.
Shri Sanjay S Agrawal, learned G.A. for the State of C.G.

ORAL ORDER
(Passed on 4th July, 2006)

The case of the petitioners, in brief, is that they are the absolute owners of the lands bearing Khasara Nos. 748/1 and 748/2 totally ad measuring 0.372 hectares situate in village Jarwai alias Hirapur in Raipur District. The petitioners complain that the officers of the C.G. Housing Board, the first respondent herein, without any manner of right or interest in the above land high-handedly encroached upon the said lands for their occupation and use. So alleging, the petitioners have filed this writ petition praying for writ of *prohibition* restraining the first respondent and its officers, their agents and servants from interfering with the possession of

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the petitioners over the above lands. The petitioners have also sough for *mandamus* directing the concerned respondents-State authorities to take cognizance of criminal wrong alleged to have been committed by the officers of the first respondent and prosecute them.

2. Having heard Shri B.P Sharma, learned counsel for the petitioners, I am not inclined to entertain this writ petition for more than one reason. Normally, this Court under Article 226 of the Constitution of India does not undertake adjudication of the disputes relating to title and possession obviously, because, in order to grant the relief, it becomes imperative for the Court to permit the parties to lead evidence and tender witnesses to be cross-examined by each other. Secondly, the remedies that are available before the jurisdictional civil Court, that is to say, private law review remedies, declaration, injunction and damages are quite comprehensive and more effective than the remedies that may be granted by this Court in a summary proceeding under Article 226. If the petitioners, as claimed by them, are the absolute owners and occupiers of the subject lands and the officers of the first respondent – Board without any manner of right or interest have been interfering with the petitioners' possession, there is absolutely no difficulty for the petitioners to institute a suit before the jurisdictional civil Court and seek effective private law review remedies. Similarly, if the alleged action on the part of the officers of the first respondent – Board tantamounts to commission of an offence punishable under the criminal law of the land, the petitioners are also entitled to prosecute them either by moving police authorities or filing private complaint under Section 200 of the Code of Criminal Procedure. There is absolutely no good and weighty reason for the Court to entertain this writ petition, particularly, when the petitioners have effective

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alternative remedies before the jurisdictional civil Court. On that short ground, the writ petition is dismissed. All contentions raised in this writ petition are left open to be agitated before the jurisdictional civil Court. No costs.

Sd/-
Chief Justice